

## **300 SECURITIES AND ENFORCEMENT**

Cobb County requires certain securities to ensure completion of all development. They are explained in detail later in this section.

### **301 MAINTENANCE & PERFORMANCE SECURITIES**

#### **301.01 MAINTENANCE SECURITIES**

A maintenance bond, letter of credit, or other equivalent form of security as approved by the County Attorney, running in favor of the County, shall be posted with the County by all subdividers/persons where street or other improvements are made and offered to the County for acceptance and maintenance. The amount of this security will be calculated by the formula specified in the County Code and shall be filed with the County **before** the final plat is recorded by Cobb County. Any bond, letter of credit, or other equivalent form of approved security shall be on forms supplied or approved by the County. No securities shall be terminated or otherwise allowed to expire without at least 30 days prior written notice to that effect to both the County and the subdivider/person. Separate bonds are required for each subdivision unit, phase, or like entity. The subdivider/person shall maintain all improvements in the subdivision to be dedicated to the County, for a minimum of one year from the issuance date of the security or the recording of the final plat. No dedication of improvements shall be accepted by the County until the expiration of one year from such date and inspection and determination by the County at the expiration of such time that all the improvements meet all County specifications and requirements under the ordinance.

If a period of 18 months elapses from the commencement of the maintenance period for any subdivision and defects, noncompliance, or violations still exist to the extent that the subdivision has not been accepted by the County, the County is authorized to withhold issuance of any and all permits or to refuse inspections to any subdivider/person on the project in dispute or any other project in which the subdivider/person may have a financial interest, or both, who violates or fails to comply with this ordinance.

##### **301.01.01 Guarantee of Installation and Performance**

Each subdivider/person shall guarantee installation of improvements and faithful performance of all provisions of County specifications and this ordinance. The subdivider/person shall maintain a performance bond, letter of credit, or other equivalent form of security in an amount that is 110% of the construction cost of all improvements including landfill, as estimated by the subdivider's/person's professional engineer and verified by the Director of the Community Development Agency or his/her designee. Said bond, letter of credit, or other equivalent form of security shall be on forms supplied by the County. In lieu of installation of improvements, surety bond, letter of credit, or other equivalent form of security, the subdivider/person may provide a first mortgage to the County on the property to satisfy the subdivider's/person's guarantee. In the event that a subdivider/developer shall not have completed all requirements of the construction plans and desires to record a final plat, the plat may be recorded subject to the posting of a performance security in a form acceptable to the County Attorney's Office approved by the Board of Commissioners. Each subdivider/person shall guarantee installation of improvements and faithful performance of all provisions of County specifications and the County ordinance as applies to performance securities. The subdivider shall maintain a performance bond, letter of credit, or other

equivalent form of security in an amount specified by the applicable ordinance. This security shall be on forms supplied by the County.

Separate bonds as required by Section 301.01.01 of these standards shall be required for each subdivision unit, phase, or like entity approved by the County pursuant to these standards.

#### **301.01.02 Existing Subdivision**

The provisions of this ordinance shall remain in effect, even if inconsistent with the amendments effective upon adoption, as to those subdivisions existing and as to any subdivider/person who has initiated the approval procedure for subdivisions on or before the effective date of these amendments for that subdivision's phase, unit, or like entity only. The applicable provisions of the ordinance and terms of the ordinance existing on the date hereof are specifically incorporated by reference hereof; provided, however, that all other subdivision phases, units, or like entities initiated after the effective date of the ordinance, including subdividers/persons who may have been previously grandfathered, shall be subject to the ordinance, as amended upon adoption of these amendments.

#### **301.02 INTERJURISDICTIONAL SECURITIES**

Where a jurisdictional boundary line is within a city or other governmental jurisdiction then the requirements for a performance and maintenance security shall be required as set forth above.

## **302 ENFORCEMENT**

These Development Standards are designed to be enforced by the jurisdictional County staff responsible for the applicable review or permitting. Likewise, see the specific development ordinances for more detail.

## **303 STOP WORK ORDERS**

In the event a site is not in compliance or a violation exists under these Development Standards and Specifications, any applicable agency/department/division shall be authorized to issue a stop work order under the following procedure:

- Except in an emergency or a circumstance involving a health or safety issue, the applicable agency/department/division representative shall first issue a written notice of non-compliance as may be required by the applicable chapter of the Cobb County Code.
- In the event a reinspection is called for and the site remains in noncompliance, the applicable agency/department/division shall issue a stop work order.
- Fines and penalties are assessed in accordance with the governing ordinance from the date of the original notice of violation.
- Upon issuance of a stop work order by any County agency/department/division, all work by the noncomplying party shall be halted until one of the following occurs:
- Work shall be allowed to bring the site into compliance or
- A performance security in favor of the County in the amount of not less than 125% of the engineer's estimated completion cost of bringing the site into compliance is received.